

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1-9 have been cancelled. New claims 10-25 have been added. Claims 10-25 are pending and under consideration.

No new matter is being presented, and approval and entry of the new claims is respectfully requested.

OBJECTION TO CLAIM 4

Claim 4 has been cancelled herein and, thus, the objection is considered moot.

REJECTIONS OF CLAIMS 1-9 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY PACE ET AL. (U.S. PATENT NO. 6,460,050)

Claims 1-9 are cancelled herein; however, arguments supporting the patentability of new claims 10-25 over the prior art are presented below.

Pace et al. (hereinafter "Pace") teaches, at column 4, lines 40-45, "the reply of the second tier system to the first tier system may be, for example, a refusal of service from the second tier system 30 to the first tier system 20 in cases where the first tier system is not authorized to make such requests." Pace et al. also states, "revenue may be generated in accordance with the present invention by providing the filtering service (i.e. running the second tier service process and maintaining the second tier database) for a fee based on volume or other revenue criteria. In this commercial context, the reply may be a refusal of service of the user of the first tier system 20 which has exceeded their allotted filtering quota for a given period." (Column 4, lines 45-53).

Furthermore, in the Response to Arguments section of the Action, the Examiner states that the second tier system is interpreted as the recipient (Fig. 2, item 30), and the first tier system is interpreted as the transmitter (Fig. 2, item 20). The "transmitter" 20 of Pace is an e-mail server, for example. Thus, the system disclosed in Pace is merely capable of charging a fee to the user of the first tier system for the filtering services, and refusing service when a user of the first tier system has exceeded the filtering quota.

In contrast, new independent claim 10 recites: "A mail system that relays email from a first terminal to a second terminal via a first mail server and a second mail server, the first mail

server relaying the email from the first terminal to the second mail server, the second mail server relaying the email from the first mail server to the second terminal, wherein the second mail server includes: a receiving unit that receives a notice from the second terminal, the notice indicating that a user of the second terminal rejects email from the first terminal; and a transmitting unit that transmits a warning request to the first mail server, the warning request causing the first mail server to issue a warning to the first terminal.”

Therefore, it is respectfully submitted that new independent claim 10 patentably distinguishes over the prior art.

Similarly, new independent claims 14, 18 and 22 recite receiving/receives a notice from the second terminal, the notice indicating that a user of the second terminal rejects email from the first terminal, and transmitting/transmits a warning request to the first mail server, the warning request causing the first mail server to issue a warning to the first terminal.

Therefore, for at least the reasons provided above for independent claim 10, it is respectfully submitted that new claims 14, 18 and 22 also patentably distinguish over the prior art.

Claims 11-13 depend from independent claims 10, claims 15-17 depend from independent claim 14, claims 19-21 depend from independent claim 18 and claims 23-25 depend from independent claim 22. The dependent claims inherit the patentability of their respective base claims and, thus, it is respectfully submitted that new dependent claims 11-13, 15-17, 19-21 and 23-25 patentably distinguish over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections are rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:


David M. Pitcher
Registration No. 25,908

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1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501